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Dated: April 18, 2006

Signature:

*Michael J. Doherty*  
(Michael J. Doherty)

Docket No.: SPINE 3.0-446  
CONT  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ralph et al.

Application No. 10/715,969

Filed: November 18, 2003

For: INTERVERTEBRAL SPACER DEVICE  
HAVING ARCH SHAPED SPRING  
ELEMENTS

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:  
: Group Art Unit: 3738  
:  
: Examiner: J. G. Blanco  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Preliminary to initiation of the prosecution of the above-identified pending U.S. patent application, the following amendments and remarks are respectfully submitted.

04/25/2006 MDESTA1 00000019 121095 10715969

02 FC:1202 100.00 DA



# AMENDMENT TRANSMITTAL LETTER

Docket No.  
SPINE 3.0-446 CONT

Application No.  
10/715,969-Conf. #5368

Filing Date  
November 18, 2003

Examiner  
J. G. Blanco

Art Unit  
3738

Applicant(s): James D. Ralph, Stephen Tatar, and Joseph P. Errico

Invention: INTERVERTEBRAL SPACER DEVICE HAVING ARCH SHAPED SPRING ELEMENTS

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	23	- 21 =	2	x 50.00	100.00
Independent Claims	3	- 3 =	0	x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					100.00

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☒ Please charge Deposit Account No. 12-1095 in the amount of \$ 100.00.  
A duplicate copy of this sheet is enclosed.

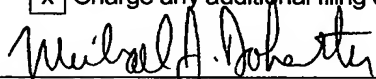
☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.



Dated: April 18, 2006

Michael J. Doherty  
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Dated: April 18, 2006

Signature:  (Michael J. Doherty)